

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER TERRY, et al.,

Plaintiffs,

- against -

CITY OF NEW YORK, et al.,

Defendants.

19 Civ. 9688

ORDER

LORNA G. SCHOFIELD, United States District Judge:

WHEREAS, Defendants filed a motion to dismiss on April 2, 2020. The motion argues, among other things that, the Plaintiffs did not plead the following facts:

- (1) that they were denied access to written materials available at the law library due to City policy or a City employee acting with policymaking authority;
- (2) that they were not allowed to call 311 due to City policy or a City employee acting with policymaking authority;
- (3) that they were injured due to actual interference with their access to the courts;
- (4) that any further conduct violated their constitutional rights to due process;

WHEREAS by Order dated March 13, 2020, Plaintiffs were permitted to file a response to the motion to dismiss by April 30, 2020, but no response was filed by that date;

WHEREAS, Plaintiffs' response to the motion to dismiss must be in writing. The response should state any facts that respond to the matters above that allegedly are lacking in the Complaint, and any other information that Plaintiffs believe may be helpful for the Court in deciding whether the Complaint alleges enough facts to state a legal claim. For example, in response to (1) and (2), the response should identify and describe the City policy and why it is believed to be a widespread policy, or should identify the City employee and what the person's

policy making authority is, or in response to (3) the response should identify *how* Plaintiffs were injured by being denied access to written materials or by barred from calling 311. It is hereby

ORDERED that the deadline for Plaintiffs to file their response is extended to **June 16, 2020**. If Plaintiffs do not respond by that date, the motion will be decided based on the current submissions. Defendants shall mail a copy of this Order to the pro se Plaintiffs.

Dated: May 1, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE